

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11
Case No.:16-70610-ast

Frank A. Fiore

Debtor.

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Aaron Daniels and Robert Szwaja

Plaintiffs,

Adv. Pro. No.:16-8128-ast

- against -

Frank A. Fiore

Defendants.

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INITIAL SCHEDULING ORDER

The Court enters this order in accordance with Federal Rule of Civil Procedure 16, as incorporated by Federal Rule of Bankruptcy Procedure 7016. It is hereby **ORDERED** as follows:

1. The parties are ordered to attend a conference (in person or by telephone) under Federal Rule of Bankruptcy Procedure 7026(f) on or before December 14, 2016. The parties shall discuss a Joint Discovery Control Plan (the “Discovery Plan”). On or before December 16, 2016, The parties shall file a stipulation, which sets the date for the filing of the Discovery Plan. The Discovery Plan shall provide the following:

- (A) whether any Rule 26 disclosures have been served;
- (B) whether any party intends to or has employed any expert witnesses;
- (C) the date by which all discovery shall be complete;
- (D) the amount of time each party requests to present all of their evidence and argument at trial, which shall include presenting its case in chief and any rebuttal case, and any opening and closing statements; and
- (E) a proposed trial date.

In the event the parties cannot agree on A through E, they shall so indicate in the Discovery Plan, and shall each state their positions under A through E. In the event any of the parties cannot state a response on any portion of A through E, they shall so indicate in the Discovery Plan, shall state their reason(s) therefore, and shall state when they will be able to state their response(s).

2. On or before **December 16, 2016**, each party is to file and serve a statement as to whether each, claim, counterclaim, cross claim and third party claim, as applicable, is core or non-core, and whether the pleader does or does not consent to entry of final orders or judgments, pursuant to Federal Rule of Bankruptcy Procedure 7008(a).
3. A pre-trial conference is scheduled for **December 19, 2016 at 11:00 a.m.** in Courtroom 960, United States Bankruptcy Court, Central Islip, New York. The Court may rule on any of the matters addressed herein or on any other timely filed and served motions, including dispositive motions, at or prior to the status conference.
4. Failure to strictly comply with any of the provisions of this Order may result in the automatic entry of a dismissal or a default as the circumstances warrant in accordance with Federal Rule of Civil Procedure 16, as incorporated by Federal Rule of Bankruptcy Procedure 7016.

Dated: October 26, 2016
Central Islip, New York





Alan S. Trust
United States Bankruptcy Judge